

**HYDE PARK SELECTBOARD  
MEETING MINUTES  
May 10, 2012**

*All minutes are draft until approved by the Selectboard; please check future minutes for approval of these minutes. Meetings may be video taped and such recordings are held by Green Mountain Access Television – Recording Info: PO Box 581, Hyde Park, VT 05655; [info@greenmountainaccess.tv](mailto:info@greenmountainaccess.tv) or 802-851-1592*

**Members Present:** David Gagnier (DG), Chair; Brian Jones (BJ), Vice-Chair; Mike Dubie (MD); Roland Boivin (RB); and Roger Audet (RA) (RA appeared at 7:00 p.m. following a meeting of the LCSD Advisory Board.

**Members Absent:**

**Others Present:** Ron Rodjenski, Town Administrator; Riki French, Village Trustee; Maggie Stewart; Patricia Hayford; Mary Walz; others present on sign-in sheet; Green Mountain Access Television videotaped this meeting.

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DG called the meeting to order at 6:00 p.m.

1. **Welcome and Public Comment** – Maggie Stewart read a letter dated May 10, 2012 requesting a speed study on North Hyde Park Road. The Board agreed to ask for a traffic study through Lamoille County Planning Commission for TH#3. Residents recommended a review of advisory signs, as well as regulatory signs, and understood that enforcement would be necessary as well to help slow traffic down. Mike Dubie reported that he had received a request for Garfield Road and Roland Boivin reported a request for a traffic study on Center Road.
2. **Review Minutes** – Motion by BJ to approve the April 12, April 30 and May 3, 2012 as written. Seconded by MD. Voting: 5 in favor, 0 against, motion passed.
3. **Highway Department** – Motion by BJ to approve access for Plantation Road. Seconded RB. Voting: 5 in favor, 0 against, motion passed.
4. **Paving Bids** – Pike was low at \$76.15 per ton with other bids provided by ST Paving, SD Ireland and ECI. Motion MD by to approve Pike Industries for \$76.15 for Battlerow Road. Seconded by RB. Voting: 5 in favor, 0 against, motion passed.
5. **LVRT Grant** – Riki French asked for an explanation for why the grant was not approved. The Board understood that the project was not shovel ready, but felt that the grant could be submitted to see if a conditional award would be made. Motion by BJ to approve the Northern Borders Commission grant through LCPC for the new trailhead on State of Vermont land. Seconded by RB. Voting: 5 in favor, 0 against, motion passed.
6. **USDA Emergency Watershed Grants through NCRS** – Rodjenski will let NRCS know by June 1 that the town is still interested in projects.
7. **Locke Avenue** – Rodjenski will contact an attorney to review the deeds for Locke Avenue since the regular town attorney; Polow, Polow and Mahoney are representing Marvin. Rodjenski provided an overview of the process to date which requires final approval of legal documents before the road is added to the town highway system. It was suggested that Jeff Kilgor in Waterbury be contacted – but first contact Marvin Locke, and ask if he is willing to split the costs of the town's legal review, possibly a split with the town of up to \$2,000.
8. **Facility Use Policy** – DG stated that alcohol use at the recreation field needed further discussion. The Board gave preliminary approval to send out comments and will place on June agenda for consideration.
9. **Fund Balance Policy** – Motion by MD to adopt the General Fund Balance Policy, as written. Seconded by RB. Voting: 5 in favor, 0 against, motion passed.

10. **Purchasing Policy** – DG introduced the policy as a way to get prior information on purchases. Motion by BJ to adopt the purchasing policy as written. Seconded by RB. Voting: 5 in favor, 0 against, motion passed.
11. **Section 125 Plan** – Town Clerk Kim Moulton has worked with AFLAC insurance to prepare the paperwork. Rodjenski noted that the employees will be invited to a meeting to review the potential savings to them and options available through AFLAC. Motion by RB to approve the 125 Plan paperwork. Seconded by BJ. Voting: 5 in favor, 0 against, motion passed.
12. **HPFD UST** – The Board reviewed the RFP results but felt like the actual removal and construction pieces needed further review. Motion by MD to accept the proposal from Weston Sampson/ENPRO to complete the work, but only for testing requirements, and to meet with the consultant to determine the exact scope of additional work. RA Voting: 5 in favor, 0 against, motion passed.
13. **Dog Warrant** – Motion by MD to approve the 2012 dog warrant to pick up unlicensed dogs. Seconded by RA. Voting: 5 in favor, 0 against, motion passed.
14. **Myette Zoning Appeal – Mediation Update** – Jim Mahoney appeared. Jim reviewed the situations where conflict of issue may exist and how the board members should evaluate their ability to participate in this matter. Dave Gagnier recused himself and left the room after explaining that he has personal relationship with an interested party, the Putvains. Mahoney stated that it appeared likely that there would be on-going active litigation in this matter, regardless of the Board's decision. Motion by RA to move into executive session to discuss pending litigation with Jim Mahoney and Ron Rodjenski. Seconded by MD. Discussion: Mary Walz asked what active litigation meant from Mahoney, to which Mahoney explained that one or the other parties does not appear to be in agreement, so it is likely the court would need to act. Voting: 4 in favor, 0 against, motion passed. The Board came out of executive session. Attorney Mahoney provided an overview of the matter and the board's background to date including, the public safety concern and the need for an expert opinion on dam failure, to not approve the settlement, to ask the parties if the engineering work can be done collaboratively so as to make a decision on safety with harder information than available now. Motion by MD to, 1) not to approve the settlement from mediation, 2) to authorize Mahoney to try to come to agreement with either or both of the other parties to obtain an opinion on safety, and 3) to undertake opinion on its own, if there are no other partners participating in a collaborative solution. Seconded by RB. Voting: 4 in favor, 0 against, 1 recusal (DG), motion passed. Mary W. asked who the parties were to which Mahoney stated Putvain and Myette, and Mary W. advised that she was also a party. Mary Walz asked why the enforcement action includes Putvain when the notice of violation is only to Myette noting that she feels only the Selectboard and Myette should be working on a solution. Chris Nordle stated that the Selectboard is second guessing the DRB's work which did take into consideration an engineer's opinion at the original hearings years ago and it is not fair. The Board reviewed their concerns for safety with those present, including the house below, the road below and the leaching of water near the dam. Mary W. asked that the Selectboard do whatever they can to take the issue away from the existing parties and to keep it between the town and Myette.
15. **Town Safety and Emergency Committee** – Rodjenski proposed that the town establish a town safety committee, as it is required by state law, and to also have the committee address safety issues at town facilities, review employee needs and to assess emergency preparedness needs of the town. Motion by RA to direct Rodjenski to establish town safety and emergency planning committee. Seconded by MD. Voting: 5 in favor, 0 against, motion passed.
16. **PACE Implementation Contracts and Resolution** – Need authorization for David Gagnier to approve and sign the PACE resolution to offer the program to residents, designate Rodjenski as town contact and authorized representative to sign documents. Motion by MD to approve the PACE Program paperwork, with the Selectboard chair to be the authorized representative, including the required guidelines and administration agreement to allow Efficiency Vermont to

administer the program with the delinquent tax collector to collect PACE delinquencies. Seconded by RA. Voting: 5 in favor, 0 against, motion passed.

17. **Grammar School Trust** – A draft letter seeking consent from HPES school board to transfer this trust to the HPES school board. Motion by RA to approve the May 10th letter to the school board seeking agreement to transfer of the funds to the school for use at the HPES library. Seconded by RB. Voting: 5 in favor, 0 against, motion passed.
18. **Homeland Security Grant for radios** – Brad Carriere and Rodjenski identified a need for a new UHF/VHF narrowband base radio at the Town Office, but Rodjenski found that the requirements to complete a grant application could not be met before the deadline, including a number of inventories and policies that needed to be updated. No action required.
19. **Tax Sale Report from May 2, 2012** – Roger reported that 4 properties were bought by the town. Rodjenski stated that in the future it would be good idea to have the full board review the list of tax sale properties that might be bid on by the town and consider whether or not to bid any.
20. **Receive Reports:** The Board accepted and reviewed the April 2012 LCSD Police Incident Report, the monthly financial report & cash account statement, the Town Project List & and the Town Grants Watch reports. Rodjenski also provided a year end projection, based on expenses and revenues to date, which currently results in an estimate of a net surplus of about \$100,000.
21. **Town Orders** – Motion by BJ to approve the payroll orders. Seconded by RA. Voting: 4 in favor, 0 against, 1 abstained (MD – town employee), Motion passed. Motion by BJ to approve town warrants. Seconded by RA. Voting: 5 in favor, 0 against, motion passed.
22. **Other Business** – Rodjenski reported that the dog on Bethann has been muzzled. DG read the mail.
23. **Adjourn** – Motion by BJ to adjourn at 9:30 p.m. Seconded by MD. So voted.